

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOE D. TURNEY,

Plaintiff, No. CIV S-02-1235 WBS GGH P

vs.

ANNE PALMER, et al.,

Defendants. ORDER

On April 18, 2005, plaintiff filed an opposition to defendants' summary judgment motion. Plaintiff argues that defendants' motion should be denied as untimely. Plaintiff does not address the merits of defendants' motion.

On May 7, 2004, the court denied defendants' motion to dismiss. On August 11, 2004, the court issued a scheduling order which set the pre-trial motion cut-off date for December 31, 2004. On November 4, 2004, the court re-set the motion cut-off date for March 25, 2005. Defendants' summary judgment motion, filed March 24, 2005, is properly filed.

The court will grant plaintiff thirty days to file an opposition that addresses the merits of defendants' motion. If plaintiff does not file an opposition within that time, the court will deem defendants' motion unopposed.

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff is granted thirty days from
2 the date of this order to file an opposition to defendants' summary judgment motion.

3 DATED: 5/13/05

4 /s/ Gregory G. Hollows

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 GREGORY G. HOLLOWS
6 UNITED STATES MAGISTRATE JUDGE

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